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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,720	01/19/2000	Kenji Aiyama	862.3203	3493
5514	7590	07/01/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PHAM, THIERRY L	
			ART UNIT	PAPER NUMBER
			2624	5

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/487,720

Applicant(s)

AIYAMA ET AL.

Examiner

Thierry L Pham

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. 6628413), and in view of Sasaki et al (U.S. 6351317).

Regarding claim 1, Lee discloses an image forming apparatus (java printer comprising printer server and communication link, fig. 2, col. 3, lines 52-67) which is connected to network (network, fig. 2) and forms (printing via a java printer, fig. 2) an image on the basis image data acquired from the network, comprising:

- (1) input means (printer server including a input device, i.e., keyboard, col. 3, lines 25-35) for inputting information that pertains to image data;
- (2) submission means (transmitting and/or retrieving URL requests from and/or to Web server, col. 3, lines 52-67 and col. 5, lines 8-40) for submitting an image request to the network on the basis the information input by said input means;
- (3) storage means (printer server including storage device for storing image/document data, i.e., hard disk, col. 3, lines 25-37 and col. 5, lines 8-40) for storing image data sent in response to the image request submitted by said submission means;
- (4) image forming means (printer, fig. 2, col. 6, lines 22-42) for forming an image on the basis of the image data processed by said image processing means.

However, Lee does not explicitly disclose an image processing means for controlling to execute an image process corresponding to a type of image.

Sasaki, in the same field of endeavor, "printing", teaches an image processing means for controlling to execute an image process corresponding to a type of image (printer controller 208 of fig. 14 which is incorporated within the printer 202 of fig. 13, determining and selecting a specified image processing method for process/printing the retrieved image, fig. 15, col. 15, lines 12-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lee as per teachings of Sasaki because of a following reason: (1) to provide and obtain a high output images by processing the retrieved images with correct/appropriate image processing methods/processes (Sasaki, col. 15, lines 13-67).

Therefore, it would have been obvious to combine Lee with Sasaki to obtain the invention as specified in claim 1.

Regarding claim 2, Sasaki further discloses the apparatus according submission means submits the to claim 1, wherein said image request using a URL (fig. 15, col. 14, lines 1-67 and col. 15, lines 1-67).

Regarding claim 3, Sasaki further discloses the apparatus according claim 1, further comprising a server which stores the image data and is connected to the network, and wherein said submission means submits a including an address of the server (URL address, col. 15, lines 5-67).

Regarding claim 4, Sasaki further discloses the apparatus according to claim wherein said image processing means changes an image process for the image data on the basis of whether an image corresponding to the image data requires tone reproduction or resolution (resolution, fig. 16, col. 15, lines 1-67).

Regarding claim 5, Sasaki further discloses the apparatus according to claim 1, wherein said input means includes a control panel (control panel, fig. 3) provided to said image forming apparatus.

Regarding claim 6, Sasaki further discloses the apparatus according to claim 1 wherein said input means includes interface (CRT, fig. 2, col. 14, lines 1-67) means for inputting via the network a command input at a computer (keyboard of computer, fig. 2) connected to the network.

Regarding claims 7-8, Sasaki further discloses the apparatus according to claim wherein said image processing means determines a characteristic the image data on the basis of an extension included in file name of the image data (i.e. JPEG and GIF extension, col. 15, lines 13-67).

Regarding claim 9, Sasaki further discloses the apparatus according to claim 1, wherein the image process includes at least some of a LOG Conversion Process, undercolor removal process, pulse-width modulation process, gamma conversion process, and binarization process (col. 15, lines 1-67, these image processing methods are known in the art, i.e., binarization process).

Regarding claims 10-18: Claims 10-18 are the method claims corresponding to the apparatus claims 1-9 (respectively). The method claims are inherent and included by the operation of the apparatus claims. Please see claims rejection basis/rationale as described in claims 1-9 above.

Regarding claim 19, Sasaki further discloses an image forming apparatus comprising:

- (1) data acquisition means (fig. 15, cols. 15-16) for accessing individual servers on a network, and parallelly (acquiring data from the individual servers;
- (2) image data generation means (CPU, fig. 3, col. 7, lines 10-55 and cols. 15-16) for generating image formation data on the basis of data acquired by said data acquisition means;

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(3) image forming means (printing portion, fig. 3, col. 7, lines 10-55 and cols. 15-16) for forming an image on the basis of the image formation data generated by said image data generation means; and

(4) control means (CPU, fig. 3, col. 7, lines 10-55 and cols. 15-16) for controlling said image data generation means to generate image formation data and said image forming means to form an image in turn from data, which has been acquired by said data acquisition means.

Regarding claim 20, Sasaki further discloses the apparatus according to claim wherein when data on a server includes location information (URL address, cols. 15-16) which indicates locations where sub data as building components of the data are held (URL address specifying location of the file directory, cols. 15-16), all sub data designated by the location information included in the data from the server are acquired by said data acquisition means, and generation of the image formation data by said image data generation means and image formation by said image forming means are started from data for which all data including the sub data have been acquired.

Regarding claim 21, Sasaki further discloses the apparatus according to claim 19, further comprising: timer means (col. 16, lines 7-47) for measuring time required until completion of acquisition of data from the server; setting means (col. 16, lines 7-47) for setting a wait time; and cancel means (col. 16, lines 1-67) for canceling data acquisition from the server when a value measured by said timer means exceeds a predetermined time.

Regarding claims 22-28, please see rejection rationale/basis as described in claims 19-21 above.

Claims 29-31 correspond to claims 1 and 19 except computer readable memory medium for storing program is claimed rather than printing system or data output apparatus. All computers have some type of computer readable memory medium (memory, fig. 2, Sasaki) for storing computer programs, hence claims 29-31 would be rejected using the same rationale as in claims 1 and 19.

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***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (1) U.S. 6362894 to Shima, discloses a printing system for directly accessing and retrieving HTML/URL/Webpages from the web server without having to use the computer.

(2) U.S. 5731823 to Miller et al, discloses methods (i.e. halftoning, undercolor removal and etc) for processing images based upon image's characteristics.

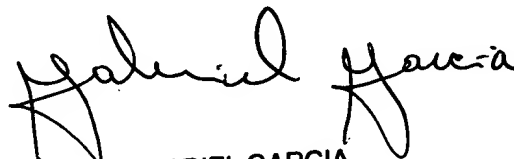
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham

TP

  
GABRIEL GARCIA  
PRIMARY EXAMINER